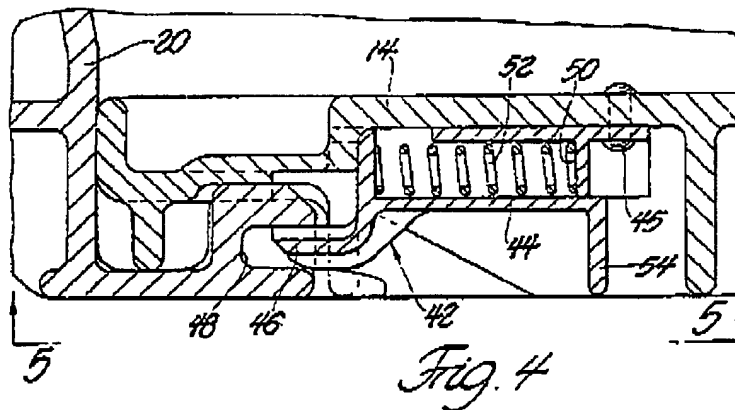


### REMARKS

The Examiner has rejected claims 1-10 as anticipated by Foy (U.S. Patent No. 4,923,079).

As can be seen in Figure 4 of Foy, reproduced below, Foy discloses a latch member 44 connected to the sidewall 14 and having a projection 46. The sidewall 18 includes a groove 48 into which the projection 46 is biased by a spring 52. In operation, the latch member 44 is slidably moved along the sidewall 14 in a plane substantially parallel to the sidewall 14 to move the projection 46 into engagement and disengagement with the groove 48 of the adjacent sidewall 18 (column 4, lines 36-41).



As can be seen in Figure 4 of Foy above, Foy does not disclose a latch member having a base portion proximate to the lateral edge of the first side panel, as required by claim 1. Foy does not disclose a "lever arm portion," because Foy does not disclose a lever-actuated latch, but a slidable latch. Foy does not disclose a first camming surface and a first shoulder between a base portion and a lever arm portion. Instead, in Foy, the camming surface and the shoulder are the outermost extension of the latch member, (although they do not extend proximate to the lateral edge). Because the camming surface and shoulder are the outermost extensions of the latch member, they cannot be "between the base portion" and any other part of the latch member. The Examiner has not indicated where in Foy the Examiner finds a "base portion." If the rejection is not withdrawn, Applicant respectfully requests a clarification of this rejection including an

identification of the "base portion" in Foy. For the above reasons, claim 1 is not anticipated by Foy.

Claim 3 depends from claim 1 and further specifies that the base portion of the latch is integrally formed with the rib proximate to the lateral edge of the first side panel and extending generally perpendicular to the pivot axis of the first side panel. Again, it is unclear where the Examiner is finding the "base portion" as claimed; however, because the latch member 44 in Foy is *slidable* relative to the side panel 14, there can be no portion of the latch member that is integrally formed with the rib on the first side panel in Foy. If any portion of the latch member in Foy were integrally formed with the rib of the side panel, the latch member 44 would not be slidable relative to the side panel 14. Therefore, claim 3 is not anticipated by Foy.

Claim 5 depends from claim 1 and further specifies that the base portion includes a pair of spaced legs joined to the intermediate portion on either side of the camming surface. Again, it is unclear where the Examiner finds the "base portion" in Foy; however, there is no "pair of spaced legs joined to the intermediate portion on either side of the camming surface" in Foy. Therefore, claim 5 is not anticipated by Foy.

Claim 6 depends from claim 5 and further specifies that the legs and the base portion extend to respective positions outward of the intermediate portion of the latch member such that deflection of the latch member relative to the outer face of the first side panel generates both flexural and torsional bending of each leg. The latch member 44 of Foy is slidable relative to the side panel 14. Thus there is no deflection of the latch member relative to the outer face of the first side panel and no flexural or torsional bending of each leg. Therefore, claim 6 is not anticipated by Foy.

Claim 10 specifies at least one integrally-molded, cantilevered stop member having a free end surface extending in the direction of the first portion of the peripheral edge that engages the basal edge of the one side panel member when the one side panel member is pivoted to the raised position. This feature of Applicant's invention is shown in Figures 9 and 10, with the cantilevered stop member 76 having a free end surface 78 that engages the basal edge of the one side panel, as shown. Foy does not disclose an integrally-molded, cantilevered stop member as claimed. Therefore, claim 10 is not anticipated by Foy.

The Examiner has also rejected claims 11-20 as obvious over Foy in view of Luburic (U.S. Patent No. 5,938,059). The Examiner admits that Foy does not disclose the "abutting surfaces" but argues that those would be made obvious by Luburic. However, Luburic does not disclose that one portion of the peripheral edge of the bottom panel includes a recessed shelf and that the basal edge of the one side panel pivots into engagement with the recessed shelf, both as required by claim 11. It is unclear which surface in Luburic the Examiner is referring to as the "recessed shelf." However, if the Examiner is referring to the surface indicated by the lead line from numeral 60 in Figure 9 of Luburic, that surface is not "recessed" as required by claim 11. Therefore, claim 11 is not made obvious by Foy in view of Luburic.

Claim 12 depends from claim 11 and further specifies a raised flange that overlies the outer face of the one side panel when the one side panel is pivoted to the raised position. This feature is disclosed as flange 74 in Figure 2 of the present application. As can be seen in Figure 9 of Luburic, Luburic does not disclose such a flange, nor does Foy. Therefore, claim 12 is not obvious.

Claim 13 depends from claim 11 and further specifies at least one cantilevered stop member that engages the inwardly facing abutting surface of the one side panel. This feature is shown in Figures 9 and 10, where the stop member 76 has a free end surface 78 engaging inwardly facing abutting surface on the one side panel 18. Neither Foy nor Luburic disclose the stop member. Therefore, claim 13 is not obvious.

Claim 20 is an independent claim that specifies the integrally molded stop member and engages the inwardly facing abutting surface of the one side panel. As explained above, Luburic and Foy do not disclose the stop member. Therefore, claim 20 is not obvious.

New claim 24 depends from claim 1 and further specifies that the latch is selectively deflectable generally transversely to the panel to release the latch. As explained above, the latch in Foy is slidable parallel to the panel. Therefore, new claim 24 is independently patentable.

New claim 25 depends from claim 11 and further specifies that the recessed shelf is below the pivot axis of the one side panel. In Luburic, the surface to which the

Examiner is believed to be referring is not recessed and is above the pivot axis of the side panel. Therefore, new claim 25 is independently patentable.

### CONCLUSION

Applicants appreciate the Examiner's attention to this application. Applicants believe that the claims are in condition for allowance, and a notice of such allowance is respectfully requested.

Fees: Please charge the sum of \$146 to Deposit Account No. 50-1984 (covering a charge of \$36 for two additional claims in excess of twenty and \$110 for a one-month extension of time.) Please charge any additional fees due, or credit any overpayment, to deposit account no. 50-1984.

Respectfully submitted,

TRENTON M. OVERHOLT et al.



Konstantine J. Diamond  
Registration No. 39,657  
4010 East 26<sup>th</sup> Street  
Los Angeles, California 90023  
Phone: 323-262-5145; Fax: 323-269-8506

Dated: February 3, 2003